

House Engrossed Senate Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
Senate
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 183

SENATE BILL 1234

AN ACT

AMENDING SECTION 33-1902, ARIZONA REVISED STATUTES; RELATING TO RESIDENTIAL RENTAL PROPERTY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 33-1902, Arizona Revised Statutes, is amended to
3 read:

4 33-1902. Residential rental property; recording with the
5 assessor; agent designation; civil penalty

6 A. An owner of residential rental property shall maintain with the
7 assessor in the county where the property is located information required by
8 this section in a manner to be determined by the assessor. The owner shall
9 update any information required by this section within ten days after a
10 change in the information occurs. The following information shall be
11 maintained:

12 1. The name, address and telephone number of the property owner.

13 2. If the property is owned by a corporation, limited liability
14 company, partnership, limited partnership, trust or real estate investment
15 trust, the name, address and telephone number of any of the following:

16 (a) For a corporation, a corporate officer.

17 (b) For a partnership, a general partner.

18 (c) For a limited liability company, the managing or administrative
19 member.

20 (d) For a limited partnership, a general partner.

21 (e) For a trust, a trustee.

22 (f) For a real estate investment trust, a general partner or an
23 officer.

24 3. The street address and parcel number of the property.

25 4. The year the building was built.

26 B. An owner of residential rental property who lives outside this
27 state shall designate and record with the assessor a statutory agent who
28 lives in this state and who will accept legal service on behalf of the owner.
29 The owner shall designate the agent in a manner to be determined by the
30 assessor. The information shall include the name, address and telephone
31 number of the agent.

32 C. Residential rental property shall not be occupied if the
33 information required by this section is not on file with the county assessor.
34 IF THE OWNER HAS NOT FILED THE INFORMATION REQUIRED BY THIS SECTION WITH THE
35 COUNTY ASSESSOR AND THE RESIDENTIAL RENTAL PROPERTY IS OCCUPIED BY A TENANT
36 AND THE TENANT CHOOSES TO TERMINATE THE TENANCY, THE TENANT SHALL DELIVER TO
37 THE LANDLORD, OWNER OR MANAGING AGENT OF THE PROPERTY A WRITTEN TEN DAY
38 NOTICE TO COMPLY WITH THIS SECTION. THE NOTICE SHALL BE DELIVERED BY
39 CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR BY HAND DELIVERY. IF THE OWNER
40 DOES NOT COMPLY WITH THIS SECTION WITHIN TEN DAYS AFTER RECEIPT OF THE
41 NOTICE, THE TENANT MAY TERMINATE THE RENTAL AGREEMENT AND THE LANDLORD SHALL
42 RETURN ALL PREPAID RENT TO THE TENANT. SECURITY DEPOSITS SHALL BE RETURNED
43 IN ACCORDANCE WITH SECTION 33-1321, SUBSECTION D. THE LANDLORD SHALL RETURN
44 THOSE MONIES BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR BY HAND DELIVERY
45 TO THE TENANT WITHIN TEN DAYS AFTER THE TERMINATION OF THE RENTAL AGREEMENT.

1 This subsection ~~does not affect any existing lease~~ APPLIES TO ANY EXISTING
2 LEASE AND TO ANY NEW LEASE AFTER THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS
3 SECTION. NOTWITHSTANDING THIS SUBSECTION, AN OWNER IS IN COMPLIANCE WITH
4 THIS SUBSECTION ONLY IF THE OWNER HAD FILED THE INFORMATION REQUIRED BY
5 SUBSECTION A OF THIS SECTION WITH THE COUNTY ASSESSOR.

6 D. All records, files and documents that are required by this section
7 are public records.

8 E. A person who fails to comply with ~~any provision of~~ this section
9 shall be assessed a civil penalty of one thousand dollars, plus an additional
10 one hundred dollars for each month after the date of the original violation
11 until compliance occurs. The court shall not suspend any portion of the
12 civil penalty provided by this subsection.

13 F. Notwithstanding subsection E of this section, if a person complies
14 within ten days after receiving the complaint that notices the violation, the
15 court shall dismiss the complaint and shall not impose a civil penalty.

16 G. In carrying out ~~the provisions of~~ this section the county assessor
17 shall have immunity as provided in section 12-820.01.

APPROVED BY THE GOVERNOR MAY 3, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 3, 2004.